

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLAS MARTINEZ, an individual,

No. 1:22-cv-01643-ADA-CDB

Plaintiff,

v.

O'REILLY AUTO ENTERPRISES LLC, a limited liability company; AUSTIN GILMORE, an individual; JASON VELLIDO, an individual; and DOES 1-30, inclusive,

Defendants.

THEODORE HATLESTAD,

Plaintiff,

v.

O'REILLY AUTO ENTERPRISES LLC, a limited liability company; AUSTIN GILMORE, an individual; JASON VELLIDO, an individual; and DOES 1-30, inclusive,

Defendants.

No. 1:22-cv-01644-ADA-CDB

ORDER GRANTING PARTIES'
STIPULATION TO DISMISS PLAINTIFF
MARTINEZ'S FOURTH CAUSE OF
ACTION, DISMISSING DEFENDANTS
GILMORE AND VELLIDO, AND
CONSOLIDATING CASES

On January 27, 2023, the parties' stipulated to: (1) dismiss Plaintiff Nicolas Martinez's fourth cause of action for negligent hiring, training, supervision, or retention, (2) to dismiss Defendant

1 Austin Gilmore from the action, (3) to dismiss Defendant Jason Vellido from the action, and (4)
2 to consolidate the following cases for all purposes:

3 • *Martinez v. O'Reilly Auto Enterprises LLC, et al.* (No. 1:22-cv-01643-ADA-CDB); and
4 • *Hatlestad v. O'Reilly Auto Enterprises LLC, et al.* (No. 1:22-cv-01644-ADA-CDB).

5 (See Case No. 1:22-cv-01643-ADA-CDB, ECF No. 9.) The parties stipulated the “Martinez
6 matter” be “deemed the ‘lead’ case.” (*Id.*)

7 The Court grants the parties’ stipulation to dismiss Plaintiff Martinez’s fourth cause of
8 action and to dismiss Defendant Austin Gilmore and Defendant Jason Vellido. (See Case No.
9 1:22-cv-01643-ADA-CDB, ECF No. 9.)

10 On January 19, 2023, the undersigned related and reassigned the latter-filed case. (See
11 Case No. 1:22-cv-1644-ADA-CDB, ECF No. 9.) Pursuant to Rule 42(a) of the Federal Rules of
12 Civil Procedure, “[i]f actions before the court involve a common question of law or fact, the court
13 may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the
14 actions; or (3) issue any other orders to avoid unnecessary cost or delay.” In exercising its
15 discretion, the Court “weighs the saving of time and effort consolidation would produce against
16 any inconvenience, delay, or expense that it would cause.” *Huene v. United States*, 743 F.2d 703,
17 704 (9th Cir. 1984). Here, the Court finds that the actions involve the same or similar parties,
18 claims, and questions of fact or law and that consolidation will avoid unnecessary costs and
19 duplication of proceedings. Thus, good cause exists to grant the parties’ stipulation to consolidate
20 the cases.

21 Accordingly,

22 1. The parties’ stipulation (Case No. 1:22-cv-01643-ADA-CDB, ECF No. 9); dismissing
23 Plaintiff Martinez’s fourth case of action, Defendant Austin Gilmore, and Defendant Jason
24 Vellido, and consolidating these cases, is granted;
25 2. The above-referenced cases shall be consolidated for all purposes, including trial, pursuant
26 to Rule 42(a);

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28 ///

1 3. The Clerk of the Court is directed to file this order in each of the above-referenced cases;

2 and

3 4. Going forward, the parties and the Clerk of the Court are directed to file documents under

4 only the lead case number. Future captions should indicate the lead case number followed

5 by the member case number as follows:

Lead Case: 1:22-cv-01643-ADA-CDB

Member Case: 1:22-cv-01644-ADA-CDB

IT IS SO ORDERED.

Dated: February 1, 2023